

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALVERNEST KENNEDY #273177 (I.D.),

Plaintiff,
v.

ORDER

10-cv-366-wmc

WARDEN JENKINS, WARDEN DITTMAN,
SGT. HESS, C.O. TOLLACKSON,
C.O. RAKIEHE, C.O. BARSHEAR,
C.O. DEMOS, C.O. GRENIER, C.O. PETTIT,
C.O. JAMES, C.O. HELMES, SGT. HILL,
CPT. WILKE, CPT. WESS, LT. TRINRUD,
LT. SAWWAL,
SECURITY DIRECTOR ECKSTEIN,
SGT. WILGUS, C.O. THEIDE,
C.O. SALSBERRY and C.O. ALLEN,

Defendants.

In response to this court's July 8, 2010 order, plaintiff Alvernest Kennedy has submitted a copy of his six-month trust fund account statement so that a determination can be made whether Kennedy qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. From the statement, I calculate Kennedy's initial partial payment to be \$99.03. Also, Kennedy must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied.

If Kennedy does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. He is not free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$99.03 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full

amount plaintiff owes. Kennedy should show a copy of this order to prison officials to insure that they are aware they should send his initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Alvernest Kennedy is assessed \$99.03 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$99.03 on or before August 11, 2010. If, by August 11, 2010, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 19th day of July, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge